

SANTA FE GAZETTE.

SUPPLEMENT.

SANTA FE, NEW MEXICO, SEPTEMBER 3, 1834

OFFICIAL.

LAWS OF THE UNITED STATES.

Passed at the First Session of the Thirty-eighth Congress.

[Public—No 25.]

An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof.

Be it enacted by the senate and House of Representatives of the United States of the America in Congress assembled.

That there shall be established in the Treasury Department a separate bureau, which shall be charged with the execution of this and all other laws that may be passed by Congress respecting the issue and regulation of a national currency, secured by United States bonds. The chief officers of the said bureau shall be denominated the Comptrollers of the Currency, and shall be under the general direction of the Secretary of the Treasury. It shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; he shall receive an annual salary of five thousand dollars; he shall have a competent staff, appointed by the Secretary, whose salary shall be two thousand five hundred dollars, and who shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in such office during his absence or inability; he shall employ from time to time, the necessary clerks to discharge such duties as he shall direct, which clerks shall be appointed and classified by the Secretary of the Treasury in the manner now provided by law. Within fifteen days from the time of notice of his appointment the Comptroller shall take and subscribe the oath of office prescribed by the Constitution and laws of the United States, and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office. The Deputy Comptroller so appointed shall also take the oath of office prescribed by the Constitution and laws of the United States and shall give a like bond in the penalty of fifty thousand dollars. The Comptroller and Deputy Comptroller shall not, either directly, or indirectly be entitled to any association issuing national currency under the provisions of the act.

Sec. 2. And be it further enacted, That the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall draw a seal, with suitable inscriptions, for his office a description of which, with a certificate of approval by the Secretary of State with an apostrophe on it, which shall thenceforward be the seal of office of the Comptroller of the Currency, and the same may be renewed when necessary. Every certificate, assignment, and conveyance executed by the Comptroller, is pursuant of any authority conferred on him by law, and sealed with his seal of office, shall be received in evidence in all places and courts whatsoever, and all copies of paper in the offices of the Comptroller, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in full measure as the original. An impression of such seal directly on the paper shall be as valid as if made on wax or wafers.

Sec. 3. And be it further enacted, That three shall be assigned to the Comptroller of the Currency by the Secretary of the Treasury suitable rooms in the Treasury building for conducting the business of the currency bureau, in which shall be kept a care-free-proof vault, in which it shall be the duty of the Comptroller to deposit and safely keep all the plates not necessarily in the possession of engravers or printers and other valuable things belonging to his Department; and the Comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the said business.

Sec. 4. And be it further enacted, That the term "United States bonds," as used in this act shall be construed to mean all registered bonds now issued, or that may hereafter be issued, in the faith of the United States by the Secretary of the Treasury in pursuance of law.

Sec. 5. And be it further enacted, That associations for carrying on the business of banking may be formed by any number of persons, not less in any case than five, who shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with the provisions of this act, which the association may see fit to adopt for the regulation of the business of the association and the conduct of its affairs, which said articles shall be signed by the persons uniting to form the association, and a copy of them, so far as they relate to the Comptroller of the Currency, to be filed and preserved in his office.

Sec. 6. And be it further enacted, That the persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specify—

First. The sum to be paid by such association, which sum shall be subject to the approval of the Comptroller.

Second. The place where its operations of discount and deposit are to be carried on designating the State, Territory, or District, and also the particular county and city, town, or village.

Third. The amount of its capital stock, and the number of shares into which the same shall be divided.

Fourth. The names and places of residence of the shareholders, and the number of shares held by each of them.

Fifth. A declaration that said certificate is made to enable such persons to avail themselves of the advantages of this act.

The said certificate shall be acknowledged before a judge of some court of record or a Notary public, and such certificate with the acknowledgement thereof authenticated by the seal of such court or Notary shall be transmitted to the Comptroller of the Currency, who shall record and carefully preserve the same in his office. Copies of same shall be duly certified by the Comptroller, and authenticated by his seal of office, shall be legal and sufficient evidence in all courts and places within the United States, or the jurisdiction of the Government thereof, of the existence of such association, and to be produced by the production of the original certificate.

Sec. 7. And be it further enacted, That no association shall be organized under this act, with a less capital than one hundred thousand dollars: Provided, That banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place, the population of which does not exceed six thousand inhabitants.

Sec. 8. And be it further enacted, That every association formed pursuant to the provisions of this act shall, from the date of the execution of its organization certificate, be a body corporate, but shall transact no business except such as may be incidental to its organization and its exercise of authority, until authorized by the Comptroller of the Currency to commence the business of banking. Such association shall have power to allow a corporate seal, and shall have succession by the name designated in its organization certificate, for the period of twenty years from its organization, unless sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owing two-thirds of its stocks, or unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act; associations organized under it shall be elected and approved; and its usual business shall be transacted at an office of banking house located in the place specified in its organization certificate.

Sec. 9. And be it further enacted, That it shall be lawful for any association formed under this act, by its articles of association, to provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association. And every association shall have power, by the vote of shareholders owning two-thirds of its capital stock, to reduce the capital of such association to any sum not less than the amount required by this act, in the formation of associations: Provided, That by such reduction shall its capital be brought below the amount required by this act for its continuing operation, and shall any such reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and his approval thereof obtained.

Sec. 10. And be it further enacted, That the affairs of every association shall be managed by not less than five directors, one of whom shall be the President. Every director, during his whole term of service, shall be a citizen of the United States; and at least three-fourths of the directors shall be residents of the state or territory, or district in which such association is located, and shall be chosen by the members of the association as director, and by resolution of the sum using their constituents. Each director, when appointed or elected, shall take an oath that he will, so far as the duty requires on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to violate, any of the provisions of this act, and that it is the present intent, in his own right, of the majority of those who are to be chosen as director, to transfer their right to the Comptroller of the Currency to himself, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency and by him filed and preserved in his office.

Sec. 11. And be it further enacted, That the directors of any association first elected or appointed shall hold their places until their successors shall be elected and qualified. All subsequent elections shall be held annually on such day in the month of January as may be specified in the articles of association; and the directors so elected shall hold their places for one year, and until their successors are elected and qualified. But any director ceasing to be the owner of the requisite amount of stock, or having in any other manner become disqualified, shall thereby vacate his place. Any vacancy in the board shall be filled by appointment by the remaining director, and any director so appointed shall hold his place until the next election. If from any cause an election of directors shall not be made at the time appointed, the association shall not for that cause be dissolved, but such cause may be removed on any subsequent day, thirty days, notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located, and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if the election should not be held on the day fixed by the day for the election shall be designated by the board of directors in due law, and otherwise: Provided, That if the directors fail to fix the day, as aforesaid, shareholders representing two-thirds of the shares may.

Sec. 12. And be it further enacted, That the capital stock of any association formed under this act shall be divided into shares of one hundred dollars each, and be deemed personal property and transferable on the books of the association in such manner as may be prescribed in the law or articles of association, and every person becoming a shareholder by such transfer shall, in proportion to his shares successively to all the rights and liabilities of the prior holder of such share, and so change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired. The shareholders of each association formed

under the provisions of this act, and of each existing bank or banking association that may arise in the provisions of this act, shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such association to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares, except that shareholders of any banking association now existing under State law, having not less than five millions of dollars of capital actually paid in, and a surplus of twenty per centum on hand, both to be determined by the Comptroller of the Currency, shall be liable only to the amount invested in their shares; and such surplus of twenty per centum shall be paid undiminished and be in addition to the surplus provided for in this act; and if at any time there shall be a deficiency in said shares of twenty per centum, the said banking association shall not pay any dividends to its shareholders until such deficiency shall be made good; and in case of default, the Comptroller of the Currency may suspend and bank associations may be liquidated and wound up its affairs, and the provisions of this act. And the Comptroller shall have authority to withdraw from an association its certificate authorizing the commencement of business of banking under this act.

Sec. 13. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 14. And be it further enacted, That it shall be lawful for any association formed under this act, by its articles of association, to provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 15. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 16. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 17. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 18. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 19. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 20. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 21. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that such association is lawfully entitled to commence the business of banking under this act.

Sec. 22. And be it further enacted, That it shall be the duty of the Comptroller of the Currency to receive from the association, or by the act of its shareholders owing two-thirds of its stocks, unless the franchise shall be forfeited by a violation of this act; by such means it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors, appoint president, cashier, and other officers, during their terms, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and issuing promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits by buying and selling exchange, coin, and bullion by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall also have power to define and regulate by-laws, not inconsistent with the provisions of this act, the business in which its stock shall be transferred, its directors elected or appointed, its property transferred, in its usual business conducted and all the privileges granted by this act: Provided the maximum of such increase in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase